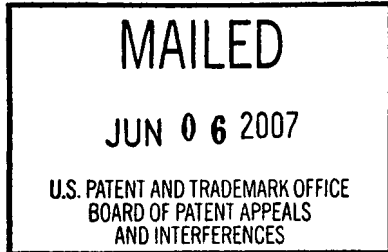


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID MICHAEL BROOKSHIRE

Application 10/613,281

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 29, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Appeal Brief on April 24, 2006. Appellant's "V. SUMMARY OF THE CLAIMED SUBJECT MATTER" on pages 6-8 of the brief is a general description of the subject matter of the claims on appeal, however, appellant does not **specifically** list each the **independent claims** (25, 32, and 38) with the relevant portion of the specification that defines it. Correction is required.

MPEP § 1205.03 states:

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When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) will suffice. Failure to timely respond to the Office's requirement will result in dismissal of the appeal. See MPEP § 1215.04 and §711.02(b).

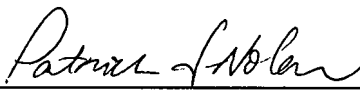
Another matter that requires attention before returning the application to the BPAI is the Information Disclosure Statement (IDS) filed with the initial filing of the application on July 3, 2003. The examiner has not initialed and dated the substitute 1449 of the IDS to indicate consideration of same. Correction is required.

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Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on April 24, 2006, defective;
- 2) notify appellant to file a paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v);
- 3) consider the paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v) and;
- 4) for proper consideration of and notification to appellants of such consideration the IDS filed July 3, 2003, and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN/vsh

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